

## LEGAL LIABILITY IN FIRE ACCIDENTS: CIVIL, CRIMINAL, AND EMPLOYER RESPONSIBILITY UNDER INDIAN LAW

**AUTHOR – SANYAM KAUSHIK\* & DR NIKUNJ SINGH YADAV\*\***

\* LAW STUDENT, LAW COLLEGE DEHRADUN, UTTARANCHAL UNIVERSITY, DEHRADUN.

\*\* ASST. PROF., LAW COLLEGE DEHRADUN, UTTARANCHAL UNIVERSITY, DEHRADUN.

**BEST CITATION** – SANYAM KAUSHIK & DR NIKUNJ SINGH YADAV, LEGAL LIABILITY IN FIRE ACCIDENTS: CIVIL, CRIMINAL, AND EMPLOYER RESPONSIBILITY UNDER INDIAN LAW, *INDIAN JOURNAL OF LEGAL REVIEW (IJLR)*, 5 (14) OF 2025, PG. 659-669, APIS – 3920 – 0001 & ISSN – 2583-2344.

### Abstract

Fire accidents in India continue to pose a major threat to life and property despite the presence of multiple regulatory frameworks governing fire safety. This article critically examines the legal liability arising from fire incidents through the lens of civil, criminal, and employer responsibility under Indian law. It highlights how civil liability rooted in negligence, strict liability, and consumer protection seeks to compensate victims for breach of the duty of care, while criminal provisions under the Indian Penal Code (Sections 304, 304A, 285, 286) aim to punish gross negligence and wilful disregard for safety norms. The study further analyses statutory obligations imposed on employers and occupiers under the Factories Act, the Occupational Safety, Health and Working Conditions Code, the National Building Code, and municipal regulations, emphasizing the role of fire audits, structural compliance, and worker training. Through judicial precedents and recent fire tragedies across commercial, residential, and institutional spaces, the article exposes persistent gaps in enforcement, monitoring, and institutional accountability. It concludes by advocating for stronger deterrence mechanisms, unified legislation, technology-driven compliance systems, and a safety-oriented culture to reduce avoidable fire-related casualties in India. Ultimately, the article argues that effective fire safety governance requires harmonizing preventive regulation with robust liability frameworks that ensure accountability at all levels.

### 1. Introduction: Fire Accidents and the Legal Landscape in India

Fire accidents in India present a persistent and alarming challenge, reflecting a complex interplay of rapid urbanisation, inadequate infrastructure, lax enforcement of safety norms, and limited public awareness. Across residential buildings, commercial establishments, industrial units, hospitals, and educational institutions, the increasing frequency and severity of fire-related tragedies highlight systemic weaknesses in India's safety governance framework. Major incidents such as the Uphaar Cinema fire (1997), the AMRI Hospital

fire in Kolkata (2011), the Kumbakonam school fire (2004), and recent blazes in coaching centres and high-rise buildings reveal recurring patterns of negligence illegal construction, absence of functional fire exits, non-maintenance of alarms and suppression systems, overloaded electrical circuits, and improper storage of hazardous materials. These incidents not only lead to devastating loss of life and property but also expose structural failures in preventive and enforcement mechanisms. Consequently, understanding the legal landscape surrounding fire safety in India becomes crucial, as law plays a central role in

assigning responsibility, ensuring accountability, and deterring negligent behaviour.

The Indian legal system addresses fire safety through a scattered yet substantial body of laws, rules, and regulations drawn from municipal laws, building codes, penal laws, labour legislation, and disaster management frameworks. The National Building Code of India (NBC 2016) serves as the principal technical guideline, laying down detailed fire safety norms related to building design, occupancy classification, materials, fire-fighting systems, evacuation protocols, and regular safety audits. However, NBC remains advisory unless adopted by state governments, leading to significant variations in local implementation. Municipal by-laws, state fire service Acts, and town planning regulations form the operational backbone of fire prevention and licensing, particularly through requirements such as Fire No Objection Certificates (NOCs), structural approvals, and periodic inspections. Despite these frameworks, large-scale non-compliance persists, often due to institutional weaknesses, corruption, inadequate manpower in fire departments, and delays in urban planning approvals.

On the criminal side, the Indian Penal Code (IPC) imposes liability for deaths and injuries caused by negligent or reckless acts. Key provisions include Section 304 (culpable homicide not amounting to murder), Section 304A (causing death by negligence), Sections 285 and 286 (negligent conduct with respect to fire or combustible matter), and Sections 337 and 338 (causing hurt or grievous hurt by endangering life). These sections serve as deterrent tools against gross negligence by property owners, occupiers, builders, contractors, or institutional heads. However, criminal prosecution in fire cases often suffers from prolonged trials, evidentiary gaps, poor forensic investigation, and challenges in establishing mens rea or gross negligence. Even when convictions occur, penalties tend to be

minimal, raising concerns about the practical deterrent effect of criminal law.

Civil liability operates simultaneously through tort law, consumer protection, and writ jurisdiction. Victims may claim compensation for death, injury, loss of property, and emotional trauma based on negligence, breach of statutory duty, or strict liability in cases involving hazardous activities. The Consumer Protection Act, 2019 allows action against builders, service providers, and commercial establishments for deficient fire safety compliance. High Courts and the Supreme Court have also intervened through public interest litigations to mandate audits, enforce compliance, and award compensation, recognising that fire safety is intertwined with the fundamental right to life under Article 21 of the Constitution. Additionally, insurance law plays a significant role in post-incident financial recovery, although disputes often arise regarding policy exclusions or inadequate disclosure by establishments.

Labour and industrial safety laws further contribute to the legal matrix. The Factories Act, 1948 (now subsumed into the Occupational Safety, Health and Working Conditions Code, 2020) mandates employers to maintain fire-fighting equipment, conduct periodic training, ensure safe handling of inflammable substances, and implement emergency evacuation plans. Non-compliance can result in penalties, closure orders, or prosecution of employers and managers. Specialised regulations govern hazardous industries, petroleum storage, chemical factories, and mining operations, aiming to minimise fire risks inherent in such sectors.

Despite this extensive legal framework, enforcement remains the weakest link. Many establishments operate without valid fire NOCs, conduct superficial fire drills, or rely on outdated equipment. Building plan approvals are routinely bypassed, while unauthorised constructions and encroachments block crucial escape routes. Fire departments across states face serious manpower shortages, outdated

technology, and inadequate training. Moreover, coordination gaps between municipal corporations, fire services, and urban development authorities create fragmented accountability.

Therefore, an analysis of fire safety laws in India must go beyond listing statutory provisions; it must critically examine how legal responsibilities are allocated among owners, employers, builders, and public authorities, and why systemic enforcement failures continue to produce avoidable tragedies. Strengthening India's fire safety regime requires a holistic approach robust legislation, strict compliance mechanisms, technological integration, public awareness, and above all, a legal environment that ensures accountability for negligence. This legal landscape thus forms the foundation for understanding civil, criminal, and employer liabilities in fire accidents, which will be analysed in subsequent sections.

## 2. Civil Liability: Negligence, Strict Liability, and Compensation Mechanisms

Civil liability for fire accidents in India is primarily grounded in the principles of negligence and strict liability, supported by statutory compensation mechanisms that collectively aim to ensure accountability and financial redress for victims of fire-related harm. In the civil law framework, negligence remains the most frequently invoked basis of liability, requiring the claimant to establish the classic triad of a *duty of care*, *breach*, and *resulting damage*. Owners, occupiers, builders, landlords, contractors, and institutional authorities owe a legally enforceable duty of care to maintain safe premises, adhere to building codes, and adopt reasonable fire-prevention measures. This duty arises not only from common-law principles but also from statutory requirements under the National Building Code, municipal by-laws, safety guidelines under the Factories Act/OSH Code, and sector-specific regulations governing commercial and residential structures. A breach occurs when safety norms are ignored, essential equipment such as fire

extinguishers or alarms are absent or non-functional, escape routes are blocked, electrical wiring is substandard, or mandatory fire audits are not conducted. Courts evaluate breach based on the standard of a reasonable person and the foreseeability of harm; given the predictable nature of fire risks in dense urban Indian environments, the threshold for foreseeability is often met. The plaintiff must also prove causation both factual (“but-for” cause) and legal (“proximate cause”) and quantify damages suffered, which may include physical injury, death, property damage, psychological trauma, and loss of livelihood. Indian courts have repeatedly emphasised that negligence in fire safety, even when unintentional, constitutes a serious civil wrong due to the catastrophic consequences it can produce. In high-profile cases such as the *Uphaar Cinema tragedy*, courts found the management and municipal authorities liable for failing to maintain adequate safety measures, thereby reaffirming the judiciary's stance that public establishments have heightened responsibilities in preventing fire hazards. Beyond negligence, strict liability plays a significant role, especially in industrial settings or where inherently hazardous activities are involved. Rooted in the rule of *Rylands v. Fletcher* and expanded in Indian jurisprudence through decisions such as *M.C. Mehta v. Union of India*, strict liability holds a defendant responsible for harm caused by hazardous activities regardless of fault or intent. In the context of fire accidents, this doctrine becomes relevant when the fire originates from dangerous substances, chemical processes, industrial machinery, or high-risk operations that pose foreseeable risks to the surrounding community. Under strict liability, it is not necessary for the victim to prove breach of duty or negligence; the mere occurrence of harm resulting from the hazardous activity is sufficient to trigger liability, unless the defendant can rely on limited defences such as act of God, act of a stranger, or plaintiff's own fault. Indian courts have been particularly

receptive to applying a broader “absolute liability” standard in environmental or mass-casualty cases, making operators of hazardous industries liable without exceptions. This approach strengthens victim protection in fire-related industrial disasters where proving negligence would otherwise be challenging due to the technical complexity of operations or the defendant’s superior control over information. Complementing judicial doctrines, statutory compensation mechanisms expand the remedial landscape for fire accident victims. The Consumer Protection Act, 2019 allows victims to file claims against builders, developers, service providers, and commercial establishments for deficiency in service, which includes failure to maintain fire safety equipment or comply with regulatory norms. Consumer forums have frequently awarded compensation in cases of residential fires caused by faulty wiring, unsafe construction, or sale of defective electrical appliances. The compensation awarded may cover actual damages, punitive damages, and costs incurred by the complainant, making consumer law a crucial avenue for redress. Victims may also approach civil courts for damages or invoke writ jurisdiction under Articles 226 and 32 where fundamental rights particularly the right to life under Article 21 are implicated due to state negligence, such as failure of municipal authorities to enforce fire safety norms or unlawful grant of occupancy certificates. The Supreme Court has held that the State can be held financially liable for administrative negligence, especially in cases involving public buildings, hospitals, and educational institutions. Insurance law also plays a central role in compensation mechanisms. Property insurance, fire insurance, business interruption policies, and life insurance policies may provide coverage for losses arising from fire accidents. However, disputes often arise regarding compliance with safety conditions, non-disclosure of material facts, and exclusions for electrical faults or negligence. Courts have consistently observed that insurance

companies cannot repudiate claims without clear evidence of policy violations, thereby offering an additional layer of financial protection to victims. In multi-fatality incidents, compensation may also be sought under the Public Liability Insurance Act, Motor Vehicles Act (if fire results from vehicular explosion), or under state relief policies issued following disaster events. In the workplace context, employees injured or killed in fire-related incidents may claim compensation under the Employees’ Compensation Act, which imposes no-fault liability on employers for injuries arising out of and in the course of employment. This statutory scheme simplifies recovery for workers by eliminating the need to prove employer negligence, though compensation amounts are determined based on wages and severity of disability. Employers may also face civil liability for failing to provide adequate fire exits, training, extinguishers, alarms, and hazard-specific safety equipment, especially in factories and commercial complexes. Courts have increasingly emphasised that failure to comply with statutory fire safety obligations constitutes prima facie evidence of negligence. Overall, civil liability in fire accidents under Indian law is a multi-layered framework that integrates common-law principles with statutory and constitutional remedies to ensure comprehensive protection of victims. While negligence remains the foundational doctrine, the evolution of strict and absolute liability has expanded the scope of accountability, particularly in industrial and large-scale fire incidents. Compensation mechanisms through civil courts, consumer forums, writ petitions, insurance claims, and labour welfare laws collectively ensure that victims have multiple avenues for redress, reinforcing the legal expectation that individuals and institutions must prioritise fire safety as a non-negotiable responsibility.

### **3. Criminal Liability: Provisions Under IPC and Special Statutes**

Criminal liability for fire accidents in India is primarily anchored in the Indian Penal Code

(IPC), supplemented by special statutes such as the Occupational Safety, Health and Working Conditions Code (OSH Code), 2020, the Disaster Management Act, 2005, municipal building bylaws, and state-specific fire service laws. Unlike civil liability which focuses on compensating victims criminal liability aims to punish wrongdoers whose acts or omissions exhibit gross negligence, recklessness, or knowledge of probable harm. Fire accidents in India often occur in environments where safety regulations are knowingly ignored, fire exits are blocked, electrical systems are substandard, and fire extinguishers or alarms are either non-functional or absent altogether. The nature of criminal liability, therefore, becomes central to establishing accountability and deterrence.

The foundation of criminal liability in fire incidents is laid down in Section 304 of the IPC, which deals with culpable homicide not amounting to murder. This provision is invoked in instances where the accused had knowledge that their negligent act was likely to cause death, even if there was no deliberate intention to kill. It has been applied in cases of catastrophic fire disasters where systemic failure and blatant disregard for safety norms demonstrate a high level of foreseeability. For instance, in the Uphaar Cinema tragedy (1997), where 59 people died in a fire caused by gross negligence, charges under Section 304 were initially invoked but were later diluted to Section 304A. This dilution reflects a recurring challenge: proving “knowledge” under Section 304 often becomes difficult, as courts require strong evidence that the accused knew death was a likely consequence of their omissions. Consequently, prosecutors tend to rely more frequently on Section 304A IPC, which criminalizes causing death by negligence. Section 304A is one of the most widely used provisions in fire accidents because it focuses on rash or negligent acts rather than knowledge or intention. Conviction under this section requires establishing breach of a duty to take reasonable care, which is often evident in cases where building owners failed to maintain fire-

fighting equipment, violated occupancy limits, ignored mandatory fire NOC requirements, or used substandard materials. However, the maximum punishment under Section 304A is only two years of imprisonment, which raises concerns about its adequacy in mass-casualty fire incidents.

Additional provisions such as Sections 285 and 286 IPC play a supplementary role in addressing fire-related offences. Section 285 penalizes negligent conduct with respect to fire or combustible materials, while Section 286 specifically covers negligent conduct involving explosive substances. These sections aim to criminalize failure to take sufficient precautions when handling risky materials, such as gas cylinders, chemicals, or fireworks common causes of industrial and commercial fire accidents. Although punishments under these sections are relatively minor, they serve as important enabling provisions that allow authorities to book offenders quickly, especially in cases involving hazardous substances. Sections 337 and 338 IPC also become relevant when fire accidents result in injuries. They address acts that endanger life or cause grievous hurt due to rashness or negligence, providing additional layers of criminal accountability.

Beyond the IPC, India’s criminal liability framework for fire safety is increasingly shaped by special statutes, particularly the Occupational Safety, Health and Working Conditions Code, 2020, which consolidates and modernizes earlier labour laws. The OSH Code imposes explicit obligations on employers, factory managers, and building owners to ensure fire safety through adequate equipment, emergency plans, training drills, and structural compliance. Failure to comply with these duties can attract criminal penalties, including fines and imprisonment. In the industrial context, fire accidents are often linked to non-maintenance of machinery, absence of fire exits, improper storage of inflammable materials, or lack of worker training all of which constitute punishable offences under the Code. A key

advantage of the OSH Code is that it recognizes corporate criminal liability, allowing prosecution of companies and responsible officers where management decisions contributed to unsafe conditions.

The Disaster Management Act, 2005 adds another layer of criminal liability by penalizing individuals and institutions that knowingly disregard legal orders issued for disaster prevention, including fire safety guidelines. Section 51 of the Act criminalizes refusal to comply with directions from authorities, while Section 55 enables prosecution of companies for negligence leading to disaster situations. During major fire incidents in hospitals and COVID-19 facilities, authorities invoked these provisions when institutions violated capacity norms, ignored electrical load limitations, or operated without valid fire NOCs. The Act thus empowers the state to treat large-scale fire accidents not merely as local mishaps but as preventable disasters, demanding strict criminal accountability.

Municipal and state-specific fire safety laws also play an essential role in determining criminal liability. For example, the Delhi Fire Service Act, Maharashtra's Fire Prevention and Life Safety Measures Act, and Gujarat Fire Prevention Code impose mandatory obligations regarding building plan approvals, fire NOC renewals, installation of safety equipment, and periodic inspections. Violations of these obligations frequently attract criminal sanctions, including sealing of premises, prosecution of owners, and in severe cases, imprisonment. These statutes often serve as the basis for invoking IPC provisions because they define the specific safety duties whose breach constitutes criminal negligence.

One of the most significant challenges in establishing criminal liability in fire accidents is the evidentiary burden. Prosecutors must show a clear causal connection between the accused's omission and the outbreak or escalation of the fire. Often, fire scenes are contaminated, destroyed, or altered during

rescue operations, making forensic examination difficult. Moreover, fire accidents typically have multiple contributing factors electrical faults, human error, structural defects which complicates the assignment of criminal responsibility. Another difficulty is the common practice of shifting blame between building owners, contractors, electricians, and government officials. Courts have repeatedly emphasized that criminal negligence must be "gross" rather than a mere error of judgment. This threshold, while necessary to prevent over-criminalization, often results in acquittals or reduced charges.

Judicial trends, however, indicate increasing willingness to hold individuals criminally accountable for fire disasters. Courts have taken stern views in cases involving schools, hospitals, and public entertainment venues, particularly when vulnerable populations like children or patients were affected. In the **Kumbakonam School fire (2004)**, where 94 children died, the courts affirmed criminal liability of school administrators for failing to ensure basic fire safety. Similarly, in multiple hospital fire incidents during the COVID-19 pandemic, courts directed strict investigation of administrative heads for negligence, unauthorised electrical modifications, and failure to maintain fire-fighting systems.

In conclusion, criminal liability for fire accidents in India operates through a multi-layered framework combining the IPC, labour and industrial safety laws, disaster management regulations, and state-specific fire safety statutes. Although the laws collectively provide a robust system for penalizing reckless or negligent conduct, challenges persist in enforcement, evidence collection, and prosecutorial consistency. Strengthening fire safety governance requires not only stricter criminal penalties but also proactive inspections, accountability of public officials, corporate liability mechanisms, and improved forensic capabilities to establish negligence. As fire accidents continue to rise in frequency and

severity, criminal law must evolve to ensure deterrence, fairness, and justice for victims.

#### **4. Employer and Institutional Responsibility Under Labour & Safety Laws**

Employer and institutional responsibility for fire safety in India is grounded in a complex interplay of constitutional mandates, labour and industrial safety statutes, municipal bylaws, and sector-specific regulatory frameworks, all of which collectively impose a positive duty of care on those who control premises, employ workers, or provide services to the public. The legal foundation begins with Article 21 of the Constitution, which guarantees the right to life and has been interpreted by courts to include the right to safety in workplaces, public buildings, and institutional settings. Within this constitutional ethos, the Factories Act, 1948 now substantially replaced by the Occupational Safety, Health and Working Conditions Code, 2020 (OSH Code) establishes a statutory obligation on employers to ensure that factories are designed, maintained, and operated in a manner that minimizes fire hazards. These duties include installation of fire-fighting equipment, maintenance of safe exits, periodic risk assessments, employee training in emergency procedures, and ensuring that combustible materials are stored, handled, and disposed of safely. The OSH Code strengthens these duties by mandating a safety management system, appointment of safety officers, conduct of periodic safety audits, and establishment of emergency response protocols that align with national standards. Employers are liable not only for active acts of negligence but also for omissions such as failure to maintain fire alarms, not obtaining statutory fire safety certificates, or not training workers in evacuation. In workplaces with hazardous processes, such as chemical manufacturing or warehousing of flammable materials, the law imposes strict compliance with specialized rules that require automated detection and suppression systems, emergency containment areas, and regular mock drills. Non-compliance can lead to penalties, closure

orders, or criminal liability under the OSH Code, the Indian Penal Code (particularly Sections 285, 286, 337, 338, and 304A), and in severe cases, corporate criminal liability under judicial interpretation.

Beyond industrial establishments, institutional responsibility extends to commercial buildings, hospitals, educational institutions, hotels, shopping complexes, theatres, and high-rise residential societies, all of which are governed by the National Building Code (NBC) 2016 and state-specific Fire Service Acts. The NBC provides detailed guidelines for fire-resistant materials, evacuation routes, fire lifts, smoke management systems, hydrants, sprinklers, refuge areas, and the requirement of a Fire Safety Certificate (often referred to as Fire NOC). Although the NBC itself is advisory, it becomes mandatory when incorporated into municipal bye-laws or state regulations, thereby binding institutions to its standards. Employers and institutional occupiers must ensure that building plans comply with NBC norms before construction and that periodic renewal of fire NOC is obtained after inspection. Acts of non-compliance such as locking emergency exits, overloading premises beyond sanctioned capacity, illegal construction, tampering with safety systems, or using highly flammable interior materials have repeatedly been highlighted as causes of mass casualty fire events in India. In several tragic incidents such as the Uphaar Cinema fire (1997), Anaj Mandi factory fire (2019), and multiple hospital fires during the COVID-19 period, courts held that institutional authorities bear responsibility for failing to maintain basic fire safety mechanisms, thereby illustrating that employer liability is not confined to factories alone but extends to all establishments that admit members of the public or employ persons for service.

In addition to statutory and municipal frameworks, labour jurisprudence reinforces the principle of employer vicarious liability, making employers responsible for the acts or omissions of employees committed in the course of

employment, including negligent handling of equipment, mishandling of flammable materials, or disregard of safety protocols. This doctrine ensures that employers cannot escape liability by shifting blame onto workers when the root cause is inadequate training, supervision, or safety infrastructure. Employers are also bound by the Disaster Management Act, 2005, which empowers authorities to mandate fire safety plans, emergency preparedness measures, and coordination with local fire services, especially in high-risk establishments. Moreover, specialized institutions such as hospitals and schools have additional obligations under sectoral guidelines: hospitals must ensure uninterrupted power for critical equipment, oxygen safety protocols, flame-retardant furnishings, and dedicated fire zones, while schools must comply with NCPCR and state education board guidelines requiring fire-safe building materials, trained staff, evacuation drills, and child-friendly emergency procedures. Failure to comply not only attracts regulatory penalties but may also constitute deficiency in service under the Consumer Protection Act, 2019, exposing institutions to compensation claims for loss of life, injury, trauma, and property damage. Courts have increasingly shown willingness to impose punitive damages where institutions demonstrate blatant disregard for safety norms. For example, in multiple High Court rulings, school authorities and hospital administrators were held liable for failing to maintain fire exits, ignoring audit recommendations, or neglecting mandatory renewal of fire safety clearances.

Furthermore, employer responsibility is increasingly being viewed not as a one-time compliance measure but as an ongoing duty requiring dynamic risk assessment and proactive safety culture. Modern judicial trends emphasize that the duty to provide a safe working environment is non-delegable, meaning employers cannot rely exclusively on contractors or external agencies for safety compliance. With rapid urbanization and

vertical growth of Indian cities, regulatory pressure has intensified on high-rise building owners, resident welfare associations, corporate offices, data centres, and co-working spaces to ensure the presence of updated fire detection systems, automatic sprinkler networks, trained fire wardens, and accessible evacuation routes. Technology-driven compliance, such as smart sensors, IoT-enabled alarms, and centralized monitoring systems, is increasingly encouraged, and failure to adopt reasonable modern safety mechanisms may be interpreted as negligence. Environmental laws such as the Hazardous Wastes Rules and Chemical Accidents Rules also impose duties on employers dealing with flammable substances, mandating onsite emergency plans, safety data sheets, and coordination with district crisis groups.

In essence, employer and institutional responsibility for fire safety in India is both preventive and punitive. It requires adherence to a multi-layered legal framework that integrates constitutional principles, statutory obligations, municipal regulations, and judicial interpretations. Employers must go beyond minimal compliance and institutionalize a culture of safety through structural precautions, regular audits, employee training, and emergency preparedness, while institutions such as hospitals, schools, and commercial complexes must recognize that public trust and legal accountability operate in tandem. The overarching trend in Indian law is clear: fire safety is not merely a technical requirement but a legal and ethical obligation, and failure to comply invites civil, criminal, and administrative consequences, reflecting the judiciary's insistence that preventable fire tragedies cannot be tolerated in a rule-of-law society.

## 5. Conclusion

Fire safety in India stands at a critical intersection of law, governance, and societal responsibility. Despite the existence of a fairly comprehensive statutory and regulatory framework including the Indian Penal Code (IPC), the National Building Code (NBC),

municipal by-laws, the Occupational Safety, Health and Working Conditions Code (OSH Code), and sector-specific guidelines fire accidents continue to claim hundreds of lives annually, exposing persistent gaps in compliance, enforcement, and accountability. The central challenge is not the absence of regulation but the widespread culture of non-adherence, weak institutional enforcement, and fragmented responsibility across authorities. The Uphaar Cinema tragedy, the Kumbakonam school fire, repeated hospital fires during the COVID-19 period, and recent incidents in high-rise buildings all reveal a pattern: fire safety norms are routinely overlooked, compliance certificates are often perfunctory, and enforcement mechanisms remain reactive rather than preventive. These failures underscore the urgent need for a robust, cohesive, and technology-enabled fire safety governance system.

Strengthening accountability requires a multi-layered approach that integrates civil, criminal, and administrative liability into a coherent deterrent framework. Civil liability needs to be made more victim-centric by streamlining compensation mechanisms, encouraging strict liability principles for hazardous premises, and ensuring quicker adjudication through consumer fora, dedicated tribunals, or fast-track courts. The recognition of the right to safety as an extension of the fundamental right to life under Article 21 should compel both the State and private actors to adopt higher standards of care. Criminal liability, in particular, demands consistent enforcement. Although provisions such as IPC Sections 304, 304A, 285, and 286 exist, prosecution is often delayed, evidence is mishandled, and convictions are rare. To deter negligence effectively, criminal courts must adopt stricter interpretations of gross negligence, especially in cases where systemic violations such as expired fire NOCs, locked exits, non-functional alarms, or inadequate staff training demonstrate wilful disregard for human life. Holding not just owners but also builders, safety officers,

contractors, and even negligent public officials criminally accountable would significantly enhance deterrence.

Equally important is the institutional accountability of employers, builders, and occupiers under labour and safety laws. Fire safety audits must be conducted by accredited third-party agencies instead of internal committees, while periodic renewal of fire NOCs should be contingent on physical verification rather than paperwork. Employers in factories, hospitals, schools, malls, and hospitality establishments must internalize safety through mandatory drills, evacuation protocols, maintenance of equipment, and continuous staff training. The OSH Code, once effectively implemented, can harmonize safety standards across industries, but this requires strong monitoring by State labour inspectors and fire departments. Urban local bodies also need structural reforms: municipal building approval systems must integrate real-time digital verification of fire installations, while accountability frameworks must specify consequences for officials who issue approvals without proper inspection.

Technology can play a transformative role in strengthening enforcement. Smart fire detection systems, IoT-enabled monitoring of sprinklers and alarms, digital compliance dashboards, and geo-tagged inspections can drastically reduce human error and corruption. Additionally, the creation of a national fire safety registry containing NOCs, inspection reports, violations, and penalties would introduce transparency and allow authorities, insurers, and consumers to assess risk more accurately. Public awareness and community training must supplement legal reforms, as no regulatory system can succeed without informed residents and employees who recognize fire hazards and respond appropriately.

Ultimately, strengthening accountability in fire safety is both a legal and moral imperative. India needs a unified, modern fire safety law

that consolidates the scattered provisions across codes, municipal regulations, and penal statutes. A shift from reactive disaster response to proactive risk prevention must guide future reforms. By enforcing stringent liability, improving institutional coordination, leveraging technology, and ensuring transparency, India can move towards a safer urban environment where fire accidents become the exception rather than the norm. The goal is not merely compliance with legal requirements but the cultivation of a safety-first culture that prioritizes human life above commercial convenience or administrative laxity.

## References

### Statutes, Codes & Regulations

1. Indian Penal Code, 1860.
2. National Building Code of India, 2016 (Part 4: Fire and Life Safety).
3. Disaster Management Act, 2005.
4. Occupational Safety, Health and Working Conditions Code, 2020.
5. Factories Act, 1948 (relevant sections on safety and fire prevention).
6. Consumer Protection Act, 2019.
7. Delhi Fire Service Act, 2007 and Rules, 2010.
8. Maharashtra Fire Prevention and Life Safety Measures Act, 2006.
9. Model Building Bye-Laws, Ministry of Housing and Urban Affairs (MoHUA), 2016.
10. Real Estate (Regulation and Development) Act, 2016 (RERA – duties of promoters and structural safety obligations).

### Cases

11. Association of Victims of Uphaar Tragedy v. Union of India, (2011) 14 SCC 481.

12. Sushila Shankar v. State of Tamil Nadu (Kumbakonam School Fire Case), Madras High Court, 2004–2006 proceedings.
13. Municipal Corporation of Delhi v. Uphaar Cinema, various connected appeals (fire safety compliance responsibility).
14. M.C. Mehta v. Union of India, (1987) 1 SCC 395 – Principle of absolute liability for hazardous operations.
15. Indian Medical Association v. V.P. Shantha, (1995) 6 SCC 651 – Guidance on service provider liability (relevant for hospital fire cases).
16. J.K. Industries Ltd. v. Chief Inspector of Factories, (1996) 6 SCC 665 – Employer responsibility and workplace safety.

### Reports & Government Documents

17. National Disaster Management Authority (NDMA), *Guidelines on Fire Safety*, 2012.
18. Ministry of Home Affairs, *Fire Services in India: Report of the Standing Fire Advisory Council*.
19. CAG Report on Fire Safety in High-Rise Buildings (State-specific reports—Delhi, Maharashtra, Gujarat, etc.).
20. MoHUA, *Handbook on Fire Safety in Buildings*, Government of India.
21. NITI Aayog, *Report on Disaster Risk Reduction and Fire Preparedness*, latest edition.

### Books & Academic Articles

22. B.B. Katiyar, *Law of Torts*, chapters on negligence and strict liability.
23. R.K. Bangia, *Law of Torts*, section on occupier's liability.
24. Avtar Singh, *Introduction to the Law of Torts*, topics on duty of care and damages.

25. P. Leelakrishnan, *Environmental Law in India*, relevant chapters on safety and liability.
26. S. Venkatesan, “Fire Safety Regulation in India: A Legal Analysis,” *Journal of National Law Review*, Vol. X.
27. K. Natarajan, “Institutional Accountability in Fire Disasters in India,” *Indian Journal of Public Administration*.

#### News & Expert Commentary

28. The Hindu, “Hospital Fire Incidents and Regulatory Failure in India,” editorial analysis.
29. Indian Express, “Why Fire Norm Violations Persist in Indian Cities,” investigative report.
30. Times of India, “Fire NOC: Loopholes and Enforcement Gaps in Metro Cities,” feature article.

